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August 10, 2018

VIA ELECTRONIC FILING

Jocelyn D. Boyd, Esquire
Chief Clerk & Administrator
SC Public Service Commission
P. O. Box 11649
Columbia, SC 29211

RE: ND 2016-61-WS. Carolina Water Service, Inc. Notification of Violations of S.C.
Code Regulation 103-714C

Dear Ms. Boyd:

Pursuant to S.C. Code Reg. 103-513(C) I have attached the following for filing in the above referenced matter:

DHEC Consent Order No. 18-026-W-Briarcreek Subdivision WWTF #2

The terms of the above referenced Order detail the steps to be taken to correct the violation. By copy of this letter, I am serving the Office of Regulatory Staff.

If you have any questions or if I may provide you with any additional information, please do not hesitate to contact me.

Sincerely,

Elliott & Elliott, P.A.



Scott Elliott

SE/mlw

Enclosure

cc: Jeffrey M. Nelson, Esquire (w/enc.)
Charles L.A. Terreni (via email)
Catherine E. Heigel (via email)
Michael R. Cartin (via email)



RECEIVED

JUL 27 2018

CAROLINA WATER SERVICE

July 25, 2018

Certified Mail – 9214 8969 0099 9790 1412 3688 39

Mr. Michael Cartin
Carolina Water Service, Inc.
150 Foster Brothers Drive
West Columbia, SC 29172

Re: Carolina Water Service, Inc.
Briarcreek Subdivision WWTF # 2
NPDES Permit SC0026409
Cherokee County

Dear Mr. Cartin:

Enclosed, please find a copy of the fully executed Consent Order 18-026-W affecting the above referenced facility. **The Order is considered executed on July 25, 2018.**

Please be aware of the scheduled completion dates outlined on pages three (3) and four (4) of the Order. Please call me at 803-898-4181 if you have questions or need additional information.

Sincerely,

Paul F. Wise
Water Pollution Enforcement Section
Bureau of Water

W/Enclosure

cc: Kris Tucker - WP Enforcement/Compliance Section
Ben Whitmire - EA BEHS Upstate Spartanburg

**THE STATE OF SOUTH CAROLINA
BEFORE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL**

**IN RE: CAROLINA WATER SERVICE INC
BRIARCREEK SD WWTF #2
CHEROKEE COUNTY**

**CONSENT ORDER
18 - 026 - W**

Carolina Water Service, Inc. (CWS) owns and is responsible for the proper operation and maintenance of the wastewater treatment facility (WWTF) located at 521 Killion Drive, Gaffney, South Carolina, serving the residences in the Briarcreek Subdivision in Cherokee County, South Carolina.

CWS failed to comply with the permitted effluent limits for chronic whole effluent toxicity (CTOX) in its National Pollutant Discharge Elimination System (NPDES) Permit.

Based upon discussions with an agent for CWS on June 6, 2018, the parties have agreed to the issuance of this Order to include the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. CWS owns and is responsible for the proper operation and maintenance of the WWTF located at 521 Killion Drive in Cherokee County, South Carolina.
2. The South Carolina Department of Health and Environmental Control (Department) reissued NPDES Permit SC0026409, effective April 1, 2013, authorizing CWS to discharge treated wastewater to Spencer's Branch to Gilkey Creek to Thicketty Creek to the Broad River in accordance with the effluent limitations, monitoring requirements and other conditions set forth therein.

3. CWS reported a violation of the effluent limitations for CTOX in the NPDES permit on discharge monitoring reports (DMRs) submitted to the Department for the 2016 annual monitoring period. The following comments were provided on the DMR for the 2016 annual monitoring period: Toxicity was most likely associated with sodium hypochlorite and sodium thiosulfate levels. A hole in the diaphragm of the sodium hypochlorite pump was causing variable output from the pump. A new pump was installed but, the operator did not have the correct cable to connect the pump to the flow meter. As a result, the operator had to use the pump in the manual mode instead of the flow proportional mode. Comments further indicated that equipment was now working normally and the operator was performing tests to balance the de-chlorination process with total residual chlorine (TRC) levels.
4. On May 17, 2016, Department staff issued a Notice of Violation (NOV) to CWS via certified mail for the CTOX violation reported for the 2016 annual monitoring period. A response was not required since an explanation for the violation was provided on the DMR. The NOV was delivered on May 19, 2016.
5. CWS reported violations of the effluent limitations for CTOX in the NPDES permit on DMRs submitted to the Department for the 2017 annual monitoring period. The following comments were provided on the DMR for the 2017 annual monitoring period: Toxicity was most likely associated with sodium hypochlorite and sodium thiosulfate levels. A hole in the diaphragm of the sodium hypochlorite pump was causing variable output from the pump. A new pump was installed but, the operator did not have the correct cable to connect the pump to the flow meter. As a result, the operator had to use the pump in the manual mode instead of the flow proportional mode. Comments further indicated that

equipment was now working normally and the operator was performing test to balance the de-chlorination process with TRC levels.

6. On June 6, 2018, Department staff discussed the above findings with Mr. Michael Cartin, acting as an agent for CWS. This issuance of a Consent Order possibly containing a civil penalty was discussed.

CONCLUSIONS OF LAW

Based upon the above Findings of Fact, the Department reaches the following Conclusions of Law:

1. CWS violated the Pollution Control Act, S.C. Code Ann. § 48-1-110 (d) (Supp. 2016) and Water Pollution Control Permits, 61-9.122.41 (a)(2016), in that it failed to comply with the effluent limits for CTOX in NPDES Permit SC0026409.
2. The Pollution Control Act, S.C. Code Ann. § 48-1-330 (2008), provides for a civil penalty not to exceed ten thousand dollars (\$10,000.00) per day of violation for any person violating the Act, regulation, permit, permit condition, final determination, or Order of the Department.

NOW, THEREFORE, IT IS ORDERED, CONSENTED TO AND AGREED, pursuant to the Pollution Control Act, S.C. Code Ann. § 48-1-50 (2008) and § 48-1-100 (2008), that CWS shall:

1. Within thirty (30) days of the execution date of this Order, submit to the Department a Corrective Action Plan (CAP) and a schedule of implementation, reporting the corrective actions that have been taken and any additional corrective actions planned to adequately address the potential source(s) contributing to the CTOX violations. The schedule of implementation for additional corrective actions shall include specific dates or timeframes for the completion of each action and details as to how each action effectuates compliance

with effluent discharge limits of NPDES Permit SC0026409. The schedule of implementation of specific corrective actions steps proposed under the CAP shall be evaluated and upon Department approval, the schedule(s) and corrective actions shall be incorporated into and become an enforceable part of this Order.

2. Beginning the first full month after the execution date of this Order, initiate an accelerated series of toxicity tests. Two (2) tests shall be conducted per year, for a period not to exceed one (1) year, using *Ceriodaphnia dubia*. Tests shall be conducted in accordance with Part III, Section B, of the Permit. The results of each test shall be submitted to the address below within thirty (30) days of test completion.
3. If, at any time during the accelerated testing period specified above, the effluent from the WWTF is in violation of the NPDES Permit limits, CWS shall conduct a Toxicity Identification Evaluation/Toxicity Reduction Evaluation (TIE/TRE) in accordance with EPA guidance. (*Toxicity Reduction Evaluation Guidance for Municipal Wastewater Treatment Plants, USEPA-833-B-99-002: 1999a*).
4. Within thirty (30) days of such a failure, CWS shall submit a TIE/TRE plan. The TIE/TRE plan shall include a schedule of activities to attain compliance with Toxicity limits. The TIE/TRE shall be completed no later than twelve (12) months from the date the TIE/TRE is required.
5. Ninety (90) days after submittal of the TIE/TRE plan and schedule required above, and each ninety (90) days thereafter, CWS shall submit a report on the progress made toward attainment of compliance with CTOX limits.
6. Within thirty (30) days of the execution date of the Order, pay the Department a civil penalty in the amount of three thousand four hundred dollars (\$3,400.00).

PURSUANT TO THIS ORDER, all communication regarding this Order and its requirements, shall include the Order number and shall be addressed as follows:

Paul F Wise, Enforcement Project Manager
Water Pollution Control Division
South Carolina DHEC
2600 Bull Street
Columbia, South Carolina 29201

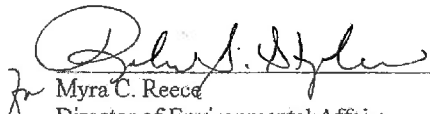
Please include the Order number listed above on all submittals required under this Order, including all checks remitted as payment of the civil penalty.

IT IS FURTHER ORDERED AND AGREED that failure to comply with any provision of this Order shall be grounds for further enforcement action pursuant to the Pollution Control Act, S.C. Code Ann. § 48-1-330 (2008), to include the assessment of additional civil penalties.

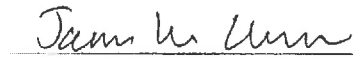
IT IS FURTHER ORDERED AND AGREED that this Consent Order governs only the civil liability to the Department for civil sanctions arising from the matters set forth herein and constitutes the entire agreement between the Department and Carolina Water Service, Inc. with respect to the resolution and settlement of these civil matters. The parties are not relying upon any representations, promises, understandings or agreements except as expressly set forth within this Order.

[Signature Page Follows]

FOR THE SOUTH CAROLINA DEPARTMENT
OF HEALTH AND ENVIRONMENTAL CONTROL



Myra C. Reece
Director of Environmental Affairs

Date: 7/25/2018


James M. Marcus, PhD, Chief
Bureau of Water

Date: 7-24-18


Reviewed By:


Attorney
Office of General Counsel

Date: 7/24/2018

WE CONSENT:

CAROLINA WATER SERVICE, INC.


Michael R. Cartin
Director of External Regulatory Affairs and Strategy

Date: 7/20/18

CERTIFICATE OF SERVICE

The undersigned employee of Elliott & Elliott, P.A. does hereby certify that she has served below listed parties with a copy of the pleading(s) indicated below by mailing a copy of same to them in the United States mail, by regular mail, with sufficient postage affixed thereto and return address clearly marked on the date indicated below:

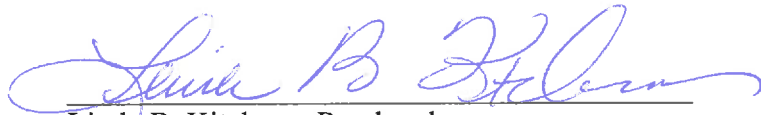
RE: Carolina Water Service, Inc. Notification of Violations of S.C.
Code Regulation 103-714C

DOCKET NO. ND 2016-61-WS

PARTIES SERVED: Jeffrey M. Nelson, Esquire
Office of Regulatory Staff
1401 Main Street, Suite 900
Columbia, SC 29211

PLEADING: DHEC Consent Order No. 18-026-W

August 10, 2018



Linda B. Kitchens, Paralegal
Elliott & Elliott, P.A.
1508 Lady Street
Columbia, SC 29201
(803)771-0555
linda@elliottlaw.us